

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-20214 - APPLICANT: ALFREDO'S ITALIAN BISTRO -
OWNER: PARKVALE PARTNERS, LLC.**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0137-94) and Variance (VAR-12782) if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for the addition of a beer/wine/cooler on-sale use to an existing restaurant located at 4275 North Rancho Drive, Suite #130. The applicant is also requesting a Waiver to allow a 300-foot separation distance from an existing church where a 400-foot distance separation is required.

Staff finds that the street-front location of the proposed on-sale use in relation to the church located 300 feet to the rear of the commercial subdivision provides an adequate separation. Therefore, as the addition of the on-sale use to an established restaurant will not compromise the public health, safety, and welfare staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
1/28/92	The Board of Zoning Adjustment approved a request for a Variance (V-0184-91) to allow an existing U-Haul Truck and Trailer Rental Business on the west side of Rancho Drive approximately 600 feet south of Craig Road, and to allow such vehicles to be parked on an unpaved surface where paving is required.
5/06/92	The City Council approved an appeal of a denial by the Board of Zoning Adjustment on 03/24/92 of a Review of Condition #3 of V-0184-92 which would have required the paving of unpaved parking, storage and display areas for the existing Truck and Trailer Rental Business on the subject site.
12/21/94	The City Council approved a request to Rezone (Z-0137-94) from R-E (Residence Estates) under a Resolution of Intent to C-2 (General Commercial) and R-E (Residence Estates) to C-2 (General Commercial), to allow an Auto Parts Exchange in conjunction with a Major Automotive Accessory Retail Chain and to allow a Mini-Storage Facility on the subject site.
3/20/96	The City Council approved a first Extension of Time (Z-0137-94(1)) for Rezoning (Z-0137-94). The Planning Commission had recommended approval on 02/22/96.
4/14/97	The City Council approved a Reinstatement and a third Extension of Time [Z-0137-94(3)] for Z-0137-94, for an approved 93,425 square-foot one- and two-story mini-storage facility with RV storage and a 56,964 square-foot retail center including an auto parts exchange on the subject site. The Planning Commission had recommended approval on 02/12/98.
3/09/98	The Planning Commission approved the V.A.O. Commercial Center Tentative Map (TM-0056-98) on this site.
10/22/98	The Planning Commission approved the V.A.O. Commercial Center Final Map (TM-0056-98) on this site.

12/03/98	The City Council denied a request for a Site Development Plan Review [Z-0137-94(4)] for a proposed 396-unit Residence Hotel on a portion of the subject site, now addressed as 4339 North Rancho Road. The Planning Commission had recommended approval on 09/20/01.
11/07/01	The City Council denied a request for a Special Use Permit (U-0016-01) for a proposed 396-unit Residence Hotel on a portion of the subject site, now addressed as 4339 North Rancho Road. The Planning Commission had recommended approval on 09/20/01.
11/07/01	The City Council denied a request for a Site Development Plan Review (Z-0137-94(5)) for a Mixed-use Development consisting of 72,171 square feet of office space and 29,440 square feet of retail space, and a reduction in parking lot landscaping requirements on the subject site. The Planning Commission had recommended approval on 09/26/02.
11/06/02	The Planning Commission approved a request (TMP-2646) for a Tentative Map for a one-lot commercial subdivision on 9.09 acres located at 4339 North Rancho Drive.
08/14/03	The City Council approved a request (DIR-4890) for a Water Feature Exemption to allow three Water Features for a commercial development located at 4301 North Rancho Drive.
09/01/04	The Planning Commission approved a request for a Master Sign Plan (MSP-5311) for an approved office and retail development on 7.86 acres at 4301 North Rancho Drive.
07/20/06	The City Council approved a request for a Variance (VAR-12782) to allow 361 parking spaces where 412 is the minimum number of parking spaces required for a proposed Church/House of Worship on 7.84 acres at 4275, 4285, 4295, 4305, 4315, 4325, and 4335 North Rancho Drive. The Planning Commission recommended approval on 06/22/06.
04/12/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #83/mh).
<i>Related Building Permits/Business Licenses</i>	
10/13/05	Plan Check #L-803-05: Tenant Improvement for Certificate of Occupancy at 4275 North Rancho Drive, Suite #130. Final inspection approved 10/13/05.
12/21/06	Business License #R09-01375: sit-down restaurant with take-out food with seating for 80 located at 4275 North Rancho Drive, Suite #130
<i>Pre-Application Meeting</i>	
2/12/07	Staff informed the applicant that a Waiver of the 400-foot minimum distance separation requirement to an existing Religious Facility would be required.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.45 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office and Commercial Center	SC (Service Commercial)	C-2 (General Commercial)
North	Tavern Use Restaurant Use General Retail Use	SC (Service Commercial)	C-2 (General Commercial)
South	Office Use Single-Family Residential Use	SC (Service Commercial) DR (Desert Rural Density Residential)	C-1 (Limited Commercial) R-E (Residence Estates)
East	Undeveloped (Proposed Commercial Development)	SC (Service Commercial)	C-2 (General Commercial)
West	Mobile Home Use	L (Low Density Residential)	R-MH (Mobile/Manufactured Home)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to the approved Variance (VAR-12782) to Title 19.10, the following parking standards apply:

Uses	GFA / Units	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Retail	12,300 SF.	(5,300 SF in gathering area) 1/250 GFA (based on overall site exceeding 25,000 SF)	49.2 spaces			
Office	54,730 SF		182.4 spaces			
Beauty Parlor	9,427 SF		47.1 spaces			
Restaurant*	1,866 SF seating area, 3,184 SF other		37.3 spaces			
			15.9 spaces			
Delicatessen	2,678 SF	1/200 GFA	26.7 spaces			
Church	15,560 SF	1/50 GFA seating area, 1/200 GFA other	53.0 spaces			
		1/100 GFA				
		1/100 GFA of gathering area				
Total			411.6 spaces (412 spaces)	9 spaces of overall total	361 spaces	14 spaces of overall total

Waivers		
Request	Requirement	Staff Recommendation
To allow a 300-foot separation distance from an existing church.	400 feet	Approval

ANALYSIS

- **General**

The subject site is located in the SC (Service Commercial) General Plan designation in the Las Vegas 2020 Master Plan. The proposed Beer/Wine/Cooler On-Sale use is compatible with the SC designation. The subject site is located on a 1.45 acre parcel within a commercial subdivision recorded as “Northbrooke Business Center”. The applicant seeks to sell wine and beer in conjunction with meals served at an established Italian restaurant with seating for 80 patrons.

This proposal does not meet all requirements of this Special Use, and the applicant has requested a Waiver approval of this request is recommended. Pursuant to Title 19.04 no Beer/Wine/Cooler On-sale establishment is allowed within 400 feet of a church, synagogue, school, child care, or city park. The project will be located 300 feet east of a church. Because the service and consumption of alcohol will be limited to within the restaurant and no adverse effects to the immediate community should result with implementation of the project, staff recommends approval of the application.

- **Zoning**

The subject property is zoned C-1 and located within the Rancho Plaza shopping center. The C-1 zone is intended to provide for a variety of commercial, retail, restaurant and office uses including the proposed Beer/Wine/Cooler On-Sale Establishment, subject to the approval of a Special Use Permit.

- **Use**

Title 19.20 defines Beer/Wine/Cooler On-Sale Establishment as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools. As the proposed use is within an established restaurant with seating for 80 people

- **Conditions**

BEER/WINE/COOLER ON-SALE ESTABLISHMENT [Special Use in Zones C-1, C-2, C-M, M]

Minimum Special Use Permit Requirements:

(1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter “establishment”) shall be located within 400 Feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

(2) Except as otherwise provided in Requirement (3) below, the distances referred to in Requirement (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

(a) Any leasehold parcel; or

(b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement (1).

(3) In the case of an establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Requirement (1) shall be measured in a straight line:

(a) From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

(b) In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

(4) When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

(5) The minimum distance requirements in Paragraph (1) do not apply to:

- (a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
- (b) A proposed establishment having more than fifty thousand square feet of retail floor space.

(*6) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The proposed use does not meet all of the distance separation requirements contained above. Further, as a Beer/Wine/Cooler On-Sale Establishment is defined as “An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine, and coolers for consumption only in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools,” it is noted that the floor plan depicts seating for 80 patrons.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use will be located in an established restaurant within the shopping center. Although the proposed use does comply with the General Plan designation for the subject area, the proposal is not compatible with surrounding land uses in that it is located within close proximity of an existing church.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

With implementation of the proposed conditions and approval of the waiver to separation distance requirement, there is no evidence of any physical constraint to the location of the proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with a 1,800 Square Foot Restaurant on the subject site.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The subject site is served by Rancho Drive , listed as a 100-Foot Primary Arterial in the Master Plan of Streets and Highways, and is more than adequate to serve the proposed use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use is not in full compliance with all conditions of Title 19.04. The site is within the 400 foot separation distance required from an existing church. Although the proposed use does not fully comply with distance separation requirement, the proposal will have minimal impact on the public health, safety, or welfare as the church is located 300 feet to the rear of the property and is not easily accessed from the restaurant.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

5

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 95 by City Clerk

APPROVALS 0

PROTESTS 0